

Franklin Roosevelt? How about me, how about my judgeship? Shorenstein looked at him and said, have you ever been down on the Staten Island ferry? He said, yes, sure. He said, well, have you ever been on the ferry boat when the ferry comes in to dock? He said, yes, sure. He said, have you ever noticed the suction that that boat creates as it comes in? He said, sure. He said, well, have you ever noticed that in that suction as that ferry boat comes into the dock all that garbage and trash that is brought along in with the ferry boat? He said, yes. He said, well, Franklin Roosevelt is your ferry boat.

*(Laughter.)*

I would simply suggest that those that would have us use the coattail effect are looking for a ferry boat. That is the end of my presentation. I will be open for any questions at this time.

*(First Vice-President James Clark assumed the Chair.)*

DELEGATE J. CLARK (presiding): Delegate Mudd, do you have a question?

DELEGATE MUDD: Yes, Mr. Chairman. This section, Delegate Schloeder, gives us a problem with reference to section 5.21 of the judicial article wherein we have provided for appointed judges to run in the next general election following the expiration of the two-year appointment. We understand that in paragraph 1 of section 7 you provide for an election every two years. Do we correctly understand, however, that paragraph 2, which provides for the election of state officials, in the year 1970, and each fourth year thereafter, would prohibit judges from running for election except each four years?

DELEGATE J. CLARK (presiding): Delegate Schloeder.

DELEGATE SCHLOEDER: Chairman Mudd, actually we discussed this and, as you know, the Committee was not aware in its deliberations and could not have been aware of what the actual elective process was going to be for the judicial officers. Consequently, we were not able to take that into consideration.

But there is no intent here in any way to subvert the language in your article. I think that we will admit, as we have admitted privately, that there is a problem here. I think that we can get together and work the problem out and I think the Committee is certainly amenable to your suggestion that it is easier to amend our

article while it is here before us than it would be to go back to your article and attempt to change any language there.

We would be very happy to change any language that would be consistent with your purposes because we have no desire to subvert your purposes at all.

DELEGATE J. CLARK (presiding): Delegate Mudd.

DELEGATE MUDD: I am quite sure it was the sense of our Committee, or at least the majority of our Committee, that this appointive so-called probationary period for judges should not exceed two years, or I think, it could be as much as two years and eleven months. Therefore, do I understand your Committee is receptive to an amendment that would permit these elections to be consistent with that thought of our Committee?

DELEGATE SCHLOEDER: Yes, sir, in the present Constitution in Article 17, there is section 1 which reads, "All State officers elected by qualified voters" setting up the quadrennial elections. These are all quadrennial elections. There is a parenthetical exception which might at this time lead me to make some kind of comment but I will not. The judges are in parentheses here, and I do not know if we want to put the judges in parentheses. It might get awfully crowded there, but we would be happy, as you suggest to go along with your intent.

DELEGATE J. CLARK (presiding): Delegate Mudd.

DELEGATE MUDD: The section to which you refer has judges in parentheses as to terms of office and not when they might run for office, but we will take them out of parentheses with your permission and put them in the right section.

DELEGATE SCHLOEDER: No problem.

DELEGATE J. CLARK (presiding): Delegate Maurer.

DELEGATE MAURER: Could you please tell me whether the Committee has decided that all local officials should have only four-year terms? As I understand it, if they can run only every fourth year, it almost amounts to four-year terms only, or perhaps eight-year terms. But really in realistic terms you can have only four-year terms so that membership on certain boards could not be staggered.